

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 349

Introduced by Assembly Member Silva

February 19, 2009

An act to ~~amend Section 17560 of~~ *add Section 13337.1 to the* Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 349, as amended, Silva. State mandates.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates or the Legislature. *Existing law provides a local agency or school district is not required to implement or give effect to any statute or executive order, or portion thereof, that imposes a mandate during any fiscal year and for the period immediately following that fiscal year if specified conditions are met with regard to reimbursement not being provided for that mandate.*

Existing law requires the Governor to submit the budget required by the California Constitution to the Legislature within the first 10 days of the regular session of the Legislature and requires the budget to contain a complete plan and itemized statement of all proposed expenditures of the state.

~~This bill would make a technical, nonsubstantive change to these provisions require, on and after January 1, 2012, if the budget submitted~~

by the Governor to the Legislature proposes a suspended reimbursable state mandate, as defined, and it is the 3rd consecutive year of a Governor's Budget in which that reimbursable state mandate is proposed to be suspended, the Director of Finance would be required to provide to the Legislature all proposed statutory changes necessary to repeal the suspended reimbursable state mandate.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION. 1. Section 13337.1 is added to the Government
2 Code, to read:

3 13337.1. (a) For purposes of this section, "suspended
4 reimbursable state mandate" means a statute or executive order
5 that meets both of the following criteria:

6 (1) The statute or executive order, or portion thereof, has been
7 determined by the Legislature, the Commission on State Mandates,
8 or any court to mandate a new program or higher level of service
9 requiring reimbursement of local agencies, including, but not
10 limited to, school districts, pursuant to Section 6 of Article XIII B
11 of the California Constitution.

12 (2) (A) The statute or executive order, or portion thereof, or
13 the commission's test claim number, has been specifically identified
14 as being one for which reimbursement is not provided for that
15 fiscal year in the budget that is required by the California
16 Constitution to be submitted by the Governor to the Legislature,
17 in accordance with this article.

18 (B) For purposes of this paragraph, a mandate shall be
19 considered to have been specifically identified only if it has been
20 included within the schedule of reimbursable mandates shown in
21 the Governor's Budget and it is specifically identified in the
22 language of a provision of the item providing the appropriation
23 for mandate reimbursements.

24 (b) On and after January 1, 2012, if the budget required by the
25 California Constitution to be submitted by the Governor at each
26 regular session of the Legislature, pursuant to this article, proposes
27 a suspended reimbursable state mandate and it is the third
28 consecutive year of a Governor's Budget in which that
29 reimbursable state mandate is proposed to be suspended, the

1 *Director of Finance shall provide to the Legislature, in accordance*
2 *with Section 13308, all proposed statutory changes necessary to*
3 *repeal the suspended reimbursable state mandate.*

4 ~~SECTION 1. Section 17560 of the Government Code is~~
5 ~~amended to read:~~

6 ~~17560. Reimbursement for state-mandated costs may be~~
7 ~~claimed as follows:~~

8 ~~(a) A local agency or school district may, by February 15~~
9 ~~following the fiscal year in which costs are incurred, file an annual~~
10 ~~reimbursement claim that details the costs actually incurred for~~
11 ~~that fiscal year.~~

12 ~~(b) If revised claiming instructions are issued by the Controller~~
13 ~~pursuant to subdivision (c) of Section 17558 between November~~
14 ~~15 and February 15, a local agency or school district filing an~~
15 ~~annual reimbursement claim shall have 120 days following the~~
16 ~~issuance date of the revised claiming instructions to file a claim.~~